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August 1, 2023

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: *Kitchen Winners NY Inc. v. Rock Fintek LLC*, Case No. 22-cv-05276-PAE
Reply to Letters Regarding Motion for Extension of Discovery Deadline

Dear Judge Engelmayer:

This firm represents defendant and counterclaim/third-party plaintiff Rock Fintek LLC. In light of the Court's July 27, 2023 Order (ECF 97), Rock Fintek respectfully amends its request for an extension of discovery to a shorter time, through Friday, November 3, 2023, the last business day before undersigned starts a trial in the District of Maine.

In addition, Rock Fintek briefly responds with the following three points addressing the JNS Parties' and Adorama Parties' letters dated July 28 and July 31, as follows:

Deposition Scheduling. First, contrary to the positions that Mr. Frisch suggests Rock Fintek has taken as to deposition scheduling, as of the date of this letter, the parties have scheduled a deposition of one Rock Fintek witness for August 29, 2023 and are in the process of scheduling a second witness in August, the two of whom are likely to share corporate representative duties. The parties also appear to have agreed on October 10 and 12 for depositions of two Adorama Parties' witnesses and are working on scheduling the deposition of Mr. Stern in early October.

Rock Fintek's Production. Second, Mr. Frisch's statement in his submission that Rock Fintek "was quite delayed in producing its own documents, *waiting until well into July* to produce its own documents" is incorrect. Rock Fintek made an initial document production on September 21, 2022, a supplemental production (in native form) on September 23, 2022, and a large supplemental production on June 27, 2023. Copies of transmittal emails are attached as Exhibit A.

Adorama Parties Discovery Deficiencies. Third, earlier this evening, Rock Fintek circulated a detailed list of discovery deficiencies with the Adorama Parties' productions. A copy of counsel's email identifying discovery issues is attached as Exhibit B.

Accordingly, Rock Fintek respectfully requests that the Court either allow Rock Fintek's modified request for an extension of the fact discovery through November 3, 2023, or schedule an informal telephonic conference to discuss this matter.

Respectfully submitted,

/s/Phillip Rakhunov
Phillip Rakhunov

cc: All counsel (via ECF)